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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,211

06/20/2003

Steven Bruce Michlin

7306

7590

03/29/2004

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EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

8.17

Office Action Summary

Application No.

10/601,211

Applicant(s)

MICHLIN, STEVEN BRUCE

Examiner

Susan S. Lee

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-38 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-31 and 33-38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 138 and 144A. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

A) a method of forming a seal assembly (claims 31, 33, 35, and 37), with the steps of **adhering** a release layer; **forming** at least one kiss-cut in the release layer to generate a masking portion and a non-masking portion; **removing** the non-masking portion of the release layer; and

B) a method of forming a seal assembly (claim 32, 34, 36, and 38), with the steps of **providing** a main body portion including a first layer defining a first opening, an adherent layer including a second opening in register with the first opening of the first layer; **forming** at least one kiss-cut fully through the release liner layer; **removing** the nonmasking portion of the release liner layer; and **adhering** a layer of tear-able material;

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it is too lengthy. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The use of the trademarks LEXAN, METHUSELAH, MYLAR, SUPERGLUE, POST-IT, and PETG have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The disclosure is objected to because of the following informalities:

The description of drawings is not descriptive to the figures, for example, the description to Figs. 36 and 37 should be described as - -prior art - - since the figures are both labelled as "Prior Art". The applicant should also describe the figures as either - - prior art - - (or conventional art) or - - present invention - -.

As to page 46, line 19, "155?" is incorrect.

Appropriate correction is required.

A substitute specification not including the claims is required pursuant to 37 CFR 1.125(a) because several pages of the specification have sentences in italics. It is not known why the applicant filed papers with italics. This should be removed.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 5 (second occurrence) has been renumbered 6.

Claims 1-31 and 33-38 are objected to because of the following informalities:

As to claim 1, line 8, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 3, line 2, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 6, line 2, "said release liner layer" lacks antecedent basis.

As to claim 7, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 8, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 9, line 3, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 10, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and

accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 10, line 1, "a second surface" is unclear because there is no previous recitation of a first surface of the first layer.

As to claim 10, line 2, "a second release liner layer" is unclear because there is no previous recitation of a first release liner layer nor a release liner layer.

As to claim 10, line 2, "said second surface" of the tear-able layer is unclear because there is no previous recitation of a first surface of the tear-able layer.

As to claim 11, line 1, "whereby" "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 11, line 1, "said masking portion" lacks antecedent basis.

As to claim 11, lines 1-2, "said layer of said kiss-cut release liner" lacks antecedent basis.

As to claim 12, line 1, "whereby" "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 12, line 1, "said non-masking portion" lacks antecedent basis.

As to claim 12, lines 1-2, "said layer of said kiss-cut release liner" lacks antecedent basis.

As to claim 13, line "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

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As to claim 14, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 14, line 1, "said pull strip layer" lacks antecedent basis.

As to claim 15, lines 1, 3, 4, 6, and 14, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 16, lines 2, 4, 7-10, and 17, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 18, line 2, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 21, "said at least one kiss-cut" lacks antecedent basis.

As to claim 21, line 2, "said release liner layer" lacks antecedent basis.

As to claim 22, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 22, line 2, "said layer of tear-able material" lacks antecedent basis.

As to claim 23, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and

accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 24, line 3, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 25, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 25, lines 1-2, "a second surface of said tear-able layer" is unclear because there is no previous recitation of a first surface of the tear-able layer.

As to claim 25, line 2, "a second release liner layer" is unclear because there is no previous recitation of a first surface of the release liner layer nor a release liner layer.

As to claim 26, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 26, line 1, "said masking portion" lacks antecedent basis.

As to claim 26, lines 1-2, "said layer of said kiss-cut release liner" lacks antecedent basis.

As to claim 27, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 27, line 1, "said non-masking portion" lacks antecedent basis.

As to claim 28, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 29, line 1, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 29, line 1, "said pull-strip layer" lacks antecedent basis.

As to claim 30, lines 2, 5, 6, and 13, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 31, line 3, "the first surface" lacks antecedent basis.

As to claim 31, lines 7 and 10, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 31, line 9, "a first layer" of what?

As to claim 33, lines 2, 4, 5, 7, 14, and 17, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 33, line 9, "a seal assembly" is vague and unclear. Is this the same seal assembly or a different one from the one recited in line 7 of the same claim?

As to claim 33, line 10, "the first surface" lacks antecedent basis.

As to claim 33, line 16, "a first layer" of what?

As to claim 34, lines 2, 4, 5, and 7, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 34, line 9, "a seal assembly" is vague and unclear. Is this the same seal assembly or a different one from the one recited in line 7 of the same claim?

As to claim 35, lines 3, 5, 8-11, 13, 18, and 21, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 35, line 13, "a seal assembly" is vague and unclear. Is this the same seal assembly or a different one from the one recited in line 11 of the same claim?

As to claim 35, line 14, "the first surface" lacks antecedent basis.

As to claim 35, line 20, "a first layer" of what?

As to claim 36, lines 3, 5, 8-11, and 13, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 36, line 13, "a seal assembly" is vague and unclear. Is this the same seal assembly or a different one from the one recited in line 11 of the same claim?

As to claim 37, lines 2, 5, 6, 8, 14, and 17, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

As to claim 37, line 10, "the first surface" lacks antecedent basis.

As to claim 37, line 16, "a first layer" of what?

As to claim 38, lines 2, 5, 6, and 8, "whereby" should be - - wherein - - because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

Appropriate correction is required.

Allowable Subject Matter

Claims 1-38 are allowed over the prior art of record.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zona et al., Nakao, Baley, De Kesel (Re. 36,920), Michlin (003),

De Kesel (559), Rodriguez, and Michlin (074) disclose art in sealing members for developing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan S. Lee
Primary Examiner
Art Unit 2852